

ESTTA Tracking number: **ESTTA250376**Filing date: **11/20/2008**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Mother's Nutritional Center, Inc.		
Entity	Corporation	Citizenship	California
Address	13635 Freeway Drive Santa Fe Springs, CA 90670 UNITED STATES		

Attorney information	Rod S. Berman Jeffer Mangels Butler & Marmaro LLP 1900 Avenue of the Stars, 7th Floor Los Angeles, CA 90067 UNITED STATES trademarkdocket@jmbm.com Phone:3102038080
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Applicant Information

Application No	77452966	Publication date	10/21/2008
Opposition Filing Date	11/20/2008	Opposition Period Ends	11/20/2008
Applicant	Stork Store LLC 59 Herbert St. Suite 2R Brooklyn, NY 11222 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. First Use: 2008/03/28 First Use In Commerce: 2008/04/05 All goods and services in the class are opposed, namely: Retail shops featuring infant care products
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	Design mark of stork and baby - see image in Notice of Opposition pleading document.		
Goods/Services	retail grocery stores		

Attachments	20081120154035_MH6.pdf (4 pages)(49533 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Rod S. Berman/
Name	Rod S. Berman
Date	11/20/2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

MOTHER'S NUTRITIONAL CENTER,
INC.,

Opposer,

v.

STORK STORE LLC,

Applicant.

Opposition No. _____

Appl. Serial No.: 77/452,966

Mark: STORK STORE and design

Published for Opposition:

October 21, 2008

Atty. Ref. No.: 66309-0005

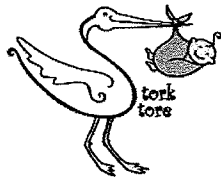
NOTICE OF OPPOSITION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Opposer, Mother's Nutritional Center, Inc. ("Opposer"), is a company organized under the laws of California, with its principal place of business at 13635 Freeway Drive, Santa Fe Springs, California 90670. Opposer believes that it is and will be damaged by the registration on the Principal Register of Application Serial No. 77/452,966 (the "Application"), allegedly owned by Stork Store LLC ("Applicant"), and Opposer hereby opposes registration of the foregoing mark.

As grounds for this Opposition, it is alleged that:

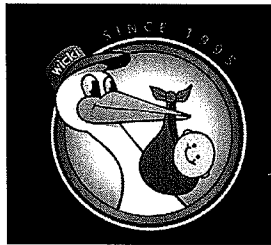
1. On information and belief, Applicant is a New York limited liability company with a principal place of business at 59 Herbert St. Suite 2R, Brooklyn, New York 11222.
2. The Application was filed on or about April 20, 2008, based on an alleged use in commerce of the mark (the "Mark") shown below.



3. In the Application, Applicant alleges a date of first use of the Mark on March 28, 2008, and further alleges a date of first use in commerce of the Mark on April 5, 2008, in connection with "retail shops featuring infant care products" in Int. Class 35.

4. The Application was published for opposition on October 21, 2008.

5. Opposer is the owner of the mark (the "Stork logo mark") shown below.



6. Opposer owns the Stork logo mark, and has used the Stork logo mark in connection with retail grocery stores since prior to the filing date and the alleged dates of first use claimed in the Application.

7. Applicant's Mark so resembles Opposer's Stork logo mark as to be likely, when used in connection with the services set forth in the Application, to cause confusion, or to cause mistake, or to deceive.

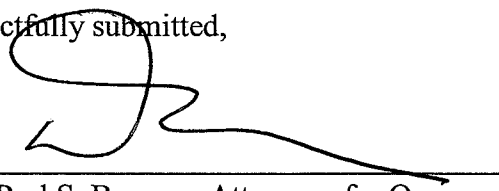
WHEREFORE, and in accordance with Section 13 of the Trademark Act (15 U.S.C. § 1063), Opposer prays that this Opposition be sustained and that Application Serial No. 77/452,966 be refused registration.

Please charge the required fee of \$300 to Deposit Account No. 10-0440. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0440.

Respectfully submitted,

Dated: November 20, 2008

By:



Rod S. Berman, Attorneys for Opposer
JEFFER, MANGELS, BUTLER & MARMARO LLP
1900 Avenue of the Stars, Seventh Floor
Los Angeles, CA 90067
(310) 203-8080
E-mail: trademarkdocket@jmmbm.com

CERTIFICATE OF SERVICE

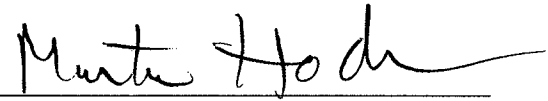
It is hereby certified that on **November 20, 2008**, a copy of the foregoing
NOTICE OF OPPOSITION is being sent by first class mail, postage prepaid to the Applicant
correspondence address of record:

STEPHANIE WATSON-CAMPBELL
59 HERBERT ST APT 2R
BROOKLYN, NY 11222-5029

Date: November 20, 2008

Signed: _____

Name: _____



Marta Hodur

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